

Application No.: 09/843,145Docket No.: 300014343-1 US (1509-179)**REMARKS**

The Office Action of January 25, 2006 has been carefully studied.

To provide Applicants with the protection to which they are deemed entitled, claim 33 has been added. Claim 33 depends on claim 22, but requires the advertisement broker device to include limitations included in independent claim 20.

Applicants traverse the rejection of claims 20-22, 25, 26 and 32 as being anticipated by Rautila et al., U.S. Patent 6,549,625. The rejection of these claims only discusses features of claims 20 and 26. As such, the rejection fails to set forth rationale as to why independent claim 22 is anticipated by Rautila et al. The rejection with regard to claim 20 is defective because it includes an allegation that database 26 of Rautila et al. acts as an advertisement broker device. The rejection of claim 20 is also improper because the relied on portion of Rautila et al. does not disclose the feature of the server including database 26 being adapted to validate a user to ensure that no telecommunication address of an advertiser or replier to an advertisement is passed with the message that is transmitted by the server.

Concerning the first issue, that the server including database 26 does not act as an advertisement broker device, the server including database 26 is in a system wherein the user of mobile terminal 12 makes purchases from location based device or specialized service 25 or vending machine 27''. The purchase is in response to information transmitted by device 25 and/or vending machine 27'' being sent by these devices to broadcast location 16 via shortwave transmissions 27''. Broadcast location 16 transmits the information to the user of mobile terminal 12 via shortwave link 24. Mobile terminal 12 transmits information back to broadcast location 16 via link 24. The information indicates the user of the terminal is willing to purchase the goods or services being offered for sale by device or service provider 25 or vending machine 27''.

Broadcast location 16 responds to such request for purchase by sending a request for authorization

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signal to the IP network including database 26 via link 27. The IP network including database 26 responds to the request for authorization by sending back to broadcast location 16 an indication of whether or not authorization is approved and sends a similar signal to mobile terminal 12 via link 42. Links 27 and 42 are long distance, in contrast to the short distance links that exist inside the confines of the boundary 18.

As such, the IP network including database 26 cannot be considered an advertisement broker device, as required by both of claims 20 and 22. The word "broker" is defined, as a noun, as:

1. One that acts as an agent for others, as in negotiating contracts, purchases or sales in return for a fee or commission; 2. A stock broker; 3. A power broker.

See The American Heritage Dictionary of the English Language, 3rd Edition, 1992, page 242, copy enclosed as Exhibit A. The only applicable definition is definition "1". However, definition "1" requires a broker to be an agent for others, as in negotiating contracts, purchases or sales. The IP network including database 26 cannot be considered as such an agent. This is because the IP network including database 26 merely acts as an authorizing facility, rather than an agent. Consequently, neither claim 20 nor claim 22 is anticipated by Rautila et al.

The Office Action alleges column 9, lines 15-20 and column 10, lines 1-8 of Rautila et al. indicate the server including database 26 is adapted to ensure, at least initially, that no telecommunications address of an advertiser or replier to an advertisement is passed with the message that is transmitted by the server. Applicants are unable to find any basis in the relied upon portions of Rautila et al. for the conclusion in the Office Action. Column 9, lines 15-20 of Rautila et al. states:

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... This enables the user of each mobile terminal 12, when multiple short range position transceivers 14 are used, to pick and choose from the information which is most interesting which is being broadcast from a plurality of information sources at the broadcast location 16.

Based on the foregoing, the foregoing limitation of claim 20 is not found in column 9, lines 15-20. Column 10, lines 1-8 indicates the server in the IP network including database 26 checks the signature, decrypts transmission of information from mobile device 12, and determines if a time stamp is valid. If all of this information is verified, the server within the IP network including database 26 concludes with a high probability that the user of the mobile terminal is an authorized user and provides the user of the mobile terminal with access to the network. Again, it is not seen where the foregoing portion of Rautila et al. has anything to do with preventing the telecommunication address of an advertiser or replier to an advertiser from being passed with the message that is transmitted by a server. Explanation is in order of how the server including database 26 provides the foregoing limitations..

Claims 21 and 32 are dependent on claim 20, and are allowable therewith, and claim 25 depends on claim 22, and is allowable therewith.

The rejection of claims 1-5, 7-14, 27-31 and 33 as being unpatentable over Rautila et al. in view of Scheer, U.S. Patent Publication 2002/0161674, is patently incorrect. The Scheer et al. application was filed May 29, 2001. The present application was filed April 27, 2001. Thus, the present application filing date antedates the Scheer et al. filing date, and the Scheer et al. published application is not a proper reference against any claims of the present application.

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In view of the foregoing amendments and remarks, favorable reconsideration and allowance is respectfully requested and deemed in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025, and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: April 25, 2006

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Library of Congress Cataloging-in-Publication Data
The American heritage dictionary of the English language.
— 3rd ed.

p. cm.
ISBN 0-395-44895-8
1. English language—Dictionaries.
PE1628.A623 1992
423—dc20

92-851
CIP

Manufactured in the United States of America

broil

242

Bronze

broil¹ (broil) *v.* **broiled, broil-ing, broils.** — *tr.* 1. To cook by direct radiant heat, as over a grill or under an electric element. 2. To expose to great heat. — *intr.* To be exposed to great heat. — **broil** *n.* 1. The act of broiling or the condition of being broiled. 2. Food, especially meat, that is broiled. [Middle English *broilen*, from Old French *brusier, brusier*, perhaps from *usier*, to burn (with *br-* from *bruis*, to burn), from Latin *ustulare*, to scorch, from *fire*, to burn.]

broil² (broil) *n.* A rowdy argument; a brawl. See Synonyms at **brawl**. — **broil** *intr.v.* **broiled, broil-ing, broils.** To engage in a rowdy argument. [From obsolete *broil*, to brawl, from Middle English *broillen*, from Anglo-Norman *broillier*, mix up, confuse, from *breu*, broth, brew, from Vulgar Latin **brodum*, of Germanic origin. See *brou-* in Appendix.]

broil-er (broil'er) *n.* 1. One that broils, especially a small oven or the part of a stove used for broiling food. 2. A tender young chicken suitable for broiling.

broke (brók) *v.* 1. Past tense of **break**. 2. Non-Standard. A past participle of **break**. — **broke** *adj.* Informal. 1. Bankrupt. 2. Lacking funds: "Following the election, the Democrats were demoralized, discredited, and broke" (Thomas P. O'Neill, Jr.).

bro-ken (bró'kən) *v.* Past participle of **break**. — **broken** *adj.* 1. *a.* Forcibly separated into two or more pieces; fractured: a broken arm; broken glass. *b.* Sundered by divorce, separation, or desertion of a parent or parents: children from broken homes; a broken marriage. 2. Having been violated: a broken promise. 3. *a.* Incomplete: a broken set of books. *b.* Being in a state of disarray; disordered: troops fleeing in broken ranks. 4. *a.* Intermittently stopping and starting; discontinuous: a broken cable transmission. *b.* Varying abruptly, as in pitch: broken subs. 5. Spoken with gaps and errors: broken English. 6. Topographically rough; uneven: broken terrain. 7. *a.* Subdued totally; humbled: a broken spirit. *b.* Weakened and infirm: broken health. 7. Crushed by grief: died of a broken heart. 8. Financially ruined; bankrupt. 9. Not functioning; out of order: a broken washing machine. — **bro-ken-ly** *adv.* — **bro-ken-ness** *n.*

Bro-ken Arrow (bró'kən) *n.* A city of northeast Oklahoma, a suburb of Tulsa. Population, 35,761.

bro-ken-down (bró'kən-dəun) *adj.* 1. Out of working order. 2. In poor condition, as from old age; infirm.

bro-ken-field (bró'kən-fíld) *adj.* Football. Accomplished by a ball carrier against opposition that is widely scattered over the field: broken-field running.

bro-ken-heart-ed (bró'kən-hā'tíd) *adj.* Grievously sad.

bro-ker (bró'kər) *n.* 1. One that acts as an agent for others, as in negotiating contracts, purchases, or sales in return for a fee or commission. 2. A stockbroker. 3. A power broker. — **broker** *tr.v.* **-kered, -ker-ing, -kers.** To arrange or manage as a broker: broker an agreement among opposing factions. [Middle English, from Anglo-Norman *brocuer*, *abrocuer*; possibly akin to Spanish *alborque*, ceremonial gift at conclusion of business deal.]

WORD HISTORY: Giving gifts to one's broker might be justifiable from an etymological point of view because the word *broker* may be connected through its Anglo-Norman source *brocuer*, *abrocuer*, with Spanish *alborque*, meaning "ceremony" or "ceremonial gift after the conclusion of a business deal." If this connection does exist, "business deal" is the notion shared by the Spanish and Anglo-Norman words because *brocuer* referred to the middleman in transactions. The English word *broker* is first found in Middle English in 1355, several centuries before we find instances of its familiar compounds *powerbroker*, first recorded in 1887, and *stockbroker*, first recorded in 1706.

bro-ker-age (bró'kər-ij) *n.* 1. The business of a broker. 2. A fee or commission paid to a broker. 3. A firm engaged in buying and selling stocks and bonds for clients.

broil-ly (bró'lē) *n.*, *pl.* **-lies.** Chiefly British. An umbrella. [Shortening and alteration of *UMBRELLA*.]

brom- *pref.* Variant of **bromo-**.

bro-mate (bró'māt) *n.* 1. A salt of bromic acid. 2. An ion of bromic acid, BrO₃⁻. — **bromate** *tr.v.* **-mat-ed, -mat-ing, -mates.** To treat (a substance) chemically with a bromate.

brome (bróm) *n.* Any of various grasses of the genus *Bromus*, native to temperate regions and including several weeds and ornamentals and some species important for forage. [New Latin *Bromus*, genus name, from Latin *bromos*, oats, from Greek.]

bro-me-li-ad (bró-mē'lē-ād) *n.* Any of various mostly epiphytic tropical American plants of the family Bromeliaceae, usually having long, stiff leaves, colorful flowers, and showy bracts. Bromeliads include the pineapple, the Spanish moss, and numerous ornamentals. [From New Latin *Bromelia*, type genus, after Olaf Bromelius (1639–1705), Swedish botanist.]

bro-mic acid (bró'mík) *n.* A corrosive, colorless liquid, HBrO₃, used in making dyes and pharmaceuticals.

bro-mide (bró'míd) *n.* 1. *a.* A binary compound of bromine with another element, such as silver. *b.* Potassium bromide. 2. *a.* A commonplace remark or notion; a platitude. See Synonyms at *cliché*. *b.* A tiresome person; a bore. — **bro-mid-ic** (-míd-ík) *adj.*

bro-mi-nate (bró'mā-nāt) *tr.v.* **-nat-ed, -nat-ing, -nates.** To combine (a substance) with bromine or a bromine compound. — **bro-mi-na-tion** *n.*

bro-mine (bró'mēn) *n.* Symbol Br A heavy, volatile, reddish-brown, nonmetallic liquid element, having irritating vapor. It is used in producing gasoline antiknock compounds, fumigants, dyes, and photographic chemicals. Atomic weight 79.904; atomic number 35; melting point 238.9°C; boiling point 58.78°C; valence 1, 3, 5, 7. See table at element. *bromine* (from Greek *brōmos*, stench) + *-INE*.

bro-mism (bró'miz'am) also **bro-mi-nism** (bró'mēn-iz'm) *n.* A toxic condition caused by the chronic overuse of bromine, characterized by mental dullness, loss of muscular coordination, and sometimes skin eruptions.

bromo- or **brom-** *pref.* Bromine: bromide. [From *BRONCHUS* and *BROMIDE*.]

bronch- *pref.* Variant of **broncho-**.

bron-chi (bróng'kē) *n.* Plural of **bronchiole**.

bron-chi-a (bróng'kē-ə) *n.* Plural of **bronchiole**.

bron-chi-al (bróng'kē-əl) *adj.* Of or relating to the bronchioles, or the bronchioles. — **bron-chi-al-ly** *adv.*

bronchial asthma *n.* Asthma that is caused by contraction of the muscular walls of the bronchial tubes.

bronchial tube *n.* A bronchus or any of its branches.

bron-chi-ec-ta-sis (bróng'kē-ék'tā-sis) *n.* Chronic inflammation of the bronchial tubes. [Greek *brōnkhis*, bronchus (from *brōnkhos*, windpipe) + Greek *ektasis*, extension; see *ectro-* + *tasis*, a stretching, from *teinein*, to stretch in Appendix.]

bron-chi-ole (bróng'kē-ōl) *n.* Any of the fine, tubular extensions of a bronchus. [French: *bronchiole*, Latin, pl. of *bronchus*; see *BRONCHUS*] + *-ole*, diminutive (from Latin *-ola*).] — **bron-chi-olar** (-ō'lār) *adj.*

bron-chi-tis (brón-kē'tis, bróng-) *n.* 1. Chronic inflammation of the mucous membrane of the bronchial tubes, marked by this inflammation. — **bron-chi-tis** *adj.*

bron-chi-um (bróng'kē-am) *n.*, *pl.* **-chi-a** (-kē-ā) A tube that is smaller than a bronchus and larger than a bronchiole. [New Latin, sing. of Late Latin *bronchia*, from Greek *brōnkhis*, from *brōnkhos*, windpipe.]

broncho- or **bronch-** *pref.* Bronchus; bronchial: bronchitis. [Late Latin, from Greek *brōnkhis*, from *brōnkhos*, windpipe.]

bron-cho-di-la-tor (bróng'kō-dī-lā'tar, -dī-) *n.* A drug that widens the air passages of the lungs and acts by relaxing bronchial smooth muscle.

bron-cho-pneu-mo-ni-a (bróng'kō-nō-mō-nē-ā) *n.* A pneumonia involving inflammation of the lungs that is caused by infection of the bronchi.

bron-cho-scope (bróng'kō-skóp) *n.* A slender instrument with a small light on the end for inspecting the interior of the bronchi. — **bron-cho-scopic** (-skóp-ik) *adj.* — **bron-cho-scop-i-cal-ly** *adv.* — **bron-cho-scop-y** (-skóp-ē) *n.*

bron-chus (bróng'kəs) *n.*, *pl.* **-chi** (-kē, -kē) One of the main branches of the trachea, leading directly to the lungs. [From Greek *brōnkhis*, windpipe.]

bron-co (bróng'kō) *n.*, *pl.* **-cos.** A wild or semiwild pony of western North America. [American Spanish, from *branco*, wild, perhaps from Vulgar Latin **bruncus*, from Latin *brūcus*, projecting (influenced by *stump*).]

bron-co-bust-er (bróng'kō-būs'tar) *n.* One who tames wild horses to ride the saddle.

Brón-tē (brón'tē) *n.* Family of British novelists and poets including Charlotte (1816–1855), Emily, (1818–1848), and Anne (1820–1849). In 1848 their first publication was issued, a collection of poetry entitled *Poems by Currer, Ellis and Acton*. Charlotte published *Jane Eyre*, Emily, *Wuthering*, and Anne, *Agnes Gray*.

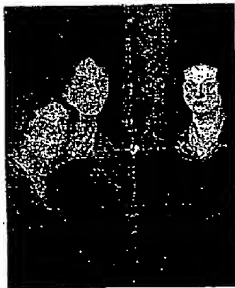
bron-to-saur (brón'tā-sōr) or **bron-to-sau-rus** (brón'tā-sōr'as) *n.* A very large herbivorous dinosaur of the Cretaceous (or *Brontosaurus*), of the Jurassic period. [From *Brontosaurus*, genus name: Greek *brōntē*, thunder + *saur*, lizard.]

Bronx (bróngks) A borough of New York City in southern New York on the mainland north of Manhattan. It was first settled by Jonas Bronck (died c. 1643), a Dane in the service of West India Company, and became part of Greater New York in 1898. Population, 1,183,972.

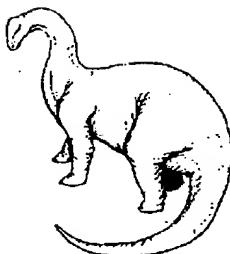
Bronx cheer *n.* Slang. A loud sound expressing derision or contempt. [After the BRONX.]

bronze (brónz) *n.* 1. *a.* Alloy of copper and tin in various proportions, sometimes with other metals. *b.* Any of various alloys of copper, with tin, and antimony, phosphorus, or other components, of art made of one of these alloys. 2. *a.* Color. A mottled or ashy brown. *b.* A pigment of this color. 3. *a.* Made of or consisting of bronze. 2. *a.* Color. Of a mottled or ashy brown. — **bronze** *tr.v.* **bronzed, bronzes.** To give the color or appearance of bronze to. [From Italian *bronzo*.] — **bronzy** *adj.*

Bronze Age (brónz) *n.* A period of human culture between the Stone Age and the Iron Age, characterized by weapons and implements made of bronze.



Brontë
Detail of a portrait of Anne, Emily, and Charlotte, painted by Patrick Branwell Brontë (1817–1848), who obliterated his image between Emily and Charlotte



brontosaurus